

**U.S. Department of the Interior  
Bureau of Land Management  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO**

**DECISION RECORD**

**CO-150-2008-33 EA**

**Project Name:** Resource Management Plan Amendment/Environmental Assessment  
For the Uncompahgre Field Office Dry Creek Travel Management Plan

**INTRODUCTION:** The Dry Creek Travel Management Planning Area (planning area) is located on the lower east flank of the Uncompahgre Plateau and extends south from 25-Mesa Road to Dave Wood Road. The planning area is within a few miles of Montrose, Olathe, and Delta, Colorado and contains approximately 110,500 acres of public land and approximately 4,500 acres of private land. The decision will be for public lands only and will not apply to private lands without easements.

This Decision regarding Off-Highway Vehicle Area Designations is subject to a 30-day public protest period and 60-day governor's consistency review. In accordance with BLM policy, decisions pertaining to OHV Area Designations require an amendment to the Resource Management Plan, and are subject to the protest procedures outlined below. Once the decision to amend the plan is final, a separate decision record will be issued, designating routes and other travel management implementation decisions.

The Dry Creek Travel Management Plan/Environmental Assessment (CO-150-2008-33 EA) is available for review at the following web address: <http://www.blm.gov/co/st/en/fo/ufo.html>

Please direct questions and comments about this Decision Record, CO-150-2008-33 EA, or the Finding of no Significant Impact to Julie Jackson, Recreation Planner, or Bruce Krickbaum, Environmental Coordinator, at (970)240-5300, or by submitting your questions via email to Julie\_Jackson@blm.gov or Bruce\_Krickbaum@blm.gov.

**DECISION:** It is my Decision to

**(1) Change the Off-Highway Vehicle (OHV) Area Designations on public lands within the Dry Creek Travel Management Planning Area through an amendment to the 1989 Uncompahgre Basin Resource Management Plan.**

**OHV Area Designation Changes**

OHV areas designated as *Open* or *Limited* will be changed to *Limited to designated routes yearlong or with seasonal restrictions*. Routes with seasonal restrictions are closed to all motorized and mechanized travel from December 1 to April 15 or from December 1 to March 30 annually in order to prevent disturbance to wintering big game. These routes are available for

motorized and mechanized travel the remainder of the year. Any exceptions to the listed dates are made by the authorizing officer and are implemented according to appropriate notification and posting, and/or according to other appropriate regulations.

Following are the acreages within each designation:

- Closed (to motorized and mechanized use) – 10,668 acres within Camel Back Wilderness Study Area (WSA)
- Limited to Designated Routes Yearlong or Seasonally – 99,896 acres
- No public lands within the planning area are designated as Open.

No new routes are permitted to be constructed or established unless reviewed, analyzed and authorized by the BLM. See CO-150-2008-33 EA for maps identifying routes and restrictions.

**(2) Approve the following management actions described in CO-150-2008-33 EA.**

**Travel Use Conditions**

The following describe travel use conditions allowed, restricted or limited on routes designated for use by motorized and mechanized modes of travel:

***General***

Motorized and mechanized travel off of designated routes is not authorized or permitted, except as noted in the description of the Proposed Action.

***Emergency and Administrative Use***

Any emergency or administrative motorized vehicle or equipment use on BLM-managed lands off of designated routes requires prior notification and approval by an authorized BLM official. Should prior notification not be possible, contact with an authorized BLM official must be made within 72 hours following emergency entry.

Motorized access in Camel Back WSA for emergency and administrative activities will comply with guidance provided under Wilderness Study Area Interim Management Plan guidance. An emergency situation is defined as one where there is a threat to human life, property (including livestock) or public land resources. Emergency activities utilized, such as for law enforcement, will be the minimum necessary to address the situation and rehabilitation and restoration work would follow where needed.

***Horseback Riding and Hiking***

Horseback riding and hiking are permitted on all public lands within the planning area.

***Advanced Technology***

Motorized and mechanized modes of travel employing advanced technology must adhere to specified route width restrictions described in the Definitions of Travel Use Categories, Appendix 1 of CO-150-2008-33 EA.

***Game Retrieval***

The use of wheeled, muscle-powered game carts or wagons to retrieve big game is

permitted off of designated routes during Colorado Division of Wildlife authorized big game and mountain lion hunting seasons only. Use of carts and wagons is not allowed within the Camel Back WSA (Sub-Region B).

### ***Parking***

In order to minimize resource impacts and help prevent new user-created routes, users are allowed to park motorized or mechanized modes of travel immediately adjacent and parallel to available designated routes for any purpose. Parking is limited to one vehicle-width from the edge of the route. Users are encouraged to park motorized or mechanized modes of travel in already disturbed areas whenever possible, consider safety, and keep routes passable for other users.

### ***Camping***

Short spur routes leading to popular dispersed campsites are designated and identified. Dispersed camping is allowed in other areas, consistent with parking requirements described above.

## **Travel Management Support Facilities**

Travel management support facilities are allowed in order to help meet objectives, desired future conditions, and land health standards stated in CO-150-2008-33 EA. Support facilities include staging areas, hardened camping areas, trailheads, and portal signs. These facilities will consist of a maximum of three acres of disturbed surface.

## **Access onto Public Lands from Private Lands**

Motorized and mechanized travel onto public lands from adjacent private lands is limited to public access points and designated routes described in the alternatives. If there is not a designated route, then motorized and mechanized travel is not permitted. User-created or constructed hiking or horseback riding trails from private lands onto public lands are not permitted without appropriate environmental documentation and assessment.

## **Adaptive Management**

The BLM reserves the option to further restrict travel and use by vehicle type or season on any route in order to protect natural or other resources or infrastructure from being impacted by vehicle use during extreme weather conditions, to reduce safety hazards, or in other unforeseeable situations, or to better manage and protect sensitive resources or other values, such as big game or nesting raptors. These actions could include emergency closures of routes, as well as permanent or seasonal route closures or relocations. The latter actions would be taken following appropriate emergency closure or other procedures, and/or after appropriate site-specific National Environmental Policy Act (NEPA) analysis.

The designated routes may be modified in order to add, re-designate, relocate or close certain routes, for maintenance needs, or for seasonal or other use restrictions on routes. Such changes would be documented using appropriate BLM Land Use Planning regulations and NEPA procedures. In addition, individuals or organizations may request that the BLM make route status changes based on a variety of criteria, including route or resource conditions, maintenance needs, existing uses, historical, cultural or economic information, changing needs, ecological issues, and use types and levels.

**Enforcement**

BLM personnel, including law enforcement, recreation and other resource staff and volunteers are assigned to actively patrol and enforce route designations.

**Design Features**

The following design features will be implemented and include mitigation measures intended to reduce or eliminate impacts to certain resources.

- BLM re-routes or re-locations necessary for erosion control or other mitigation are limited to a corridor 25 feet wide on either side of the centerline of all designated routes.
- An official agency map showing designated routes will be made available to the public and used to determine if travel is permitted and authorized on a particular route during any part of the year. The user is responsible for determining the correct mode of travel and restriction based on official agency maps

**RATIONALE:** The changes to existing OHV Area Designations and the additional management actions are intended to balance recreational demands with resource needs, RMP goals, compliance with Public Land Health Standards and the Interim Management Policy for Lands Under Wilderness Review. My Decision is based on the findings and analysis in CO-150-2008-33 EA, including supporting documentation and reports, and public participation and involvement in this project.

Implementation of the Proposed Action will not result in any undue or unnecessary environmental degradation, and does not constitute a major federal action having significant effect on the human environment; this has been documented in a Finding of No Significant Impact. Best available data was used in the preparation of this EA. An Environmental Impact Statement for this project would not, in all likelihood, provide any significant new information.

**COMPLIANCE:** This decision amends the Uncompahgre Basin Resource Management Plan (1989).

This decision is in compliance with other major laws to minimize environmental impacts to public lands, including: Endangered Species Act of 1973 (P.L. 94-325); Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712); Federal Water Pollution Control Act of 1948 (Clean Water Act), as amended (33 U.S.C. Chap. 26); Clean Air Act of 1963, as amended (P.L. 88-206); Federal Noxious Weed Act of 1974, as amended (P.L. 93-629, 7 U.S.C. 2801 *et seq*); National Historic Preservation Act of 1966, as amended (P.L. 89-665); Archaeological and Historic Preservation Act of 1974 (P.L. 86-253); Archaeological Resources Protection Act of 1979, as amended (P.L. 96-95); and Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601).

**MONITORING:** An Implementation and Monitoring Plan will be prepared and will include measures for route closures or rehabilitation of impacted areas, as well as route signing, trailhead construction, and other implementation activities. Levels and types of uses, visitor experiences and natural resources will be monitored. Monitoring will determine if targeted opportunities and experiences and protection of sensitive resources and land health are being achieved in order to meet desired future conditions. Monitoring tools will include traffic counter data, on-site patrols, surveys, and analysis of use. Actions will then be taken to correct any deficiencies in these goals.

**PROTEST OPPORTUNITIES:** Pursuant to BLM planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for CO-150-2008-33 EA, and has an interest that is or may be adversely affected by the proposed amendments to the RMP may protest such amendments. A protest may raise only those issues that were submitted for the record during the planning process. New issues may not be brought into the record at the protest stage. These issues may have been raised by the protesting party or others. For consideration, the protest must be filed within 30 days of the published notice of this Decision Record's effective date. Please see the accompanying protest regulations on the pages that follow.

**E-mailed and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period.** Under these conditions, the BLM will consider the e-mailed or faxed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of Brenda Hudgens-Williams, BLM protest coordinator at 202-452-5112, and **E-mail protests to:**

Brenda\_Hudgens-Williams@blm.gov

Please also courtesy copy (cc:) advance notification of protest to Julie Jackson, Recreation Planner (Email: julie\_jackson@blm.gov) and Bruce Krickbaum, Environmental Coordinator (E-mail: Bruce\_Krickbaum@blm.gov).

**If sent by regular mail to:**

Director (210)  
Attention: Brenda Hudgens-Williams  
P.O. Box 66538  
Washington, D.O 20035

**Cc:**

BLM-Dry Creek Plan/EA  
Attention: Julie Jackson  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401

**For overnight mailing (by Federal Express only) send to:**

Director (210)  
Attention: Brenda Hudgens-Williams  
1620 L Street, N.W. Suite 1075  
Washington, D.C. 20036

***Regulations comprise critical elements of your protest.*** Take care to document all relevant facts. As much as possible, reference or cite planning documents or available planning records (e.g. meeting minutes or summaries, correspondence, etc.) To aid in ensuring the completeness of your protest, a protest check list is attached following this letter.

Before including your address, phone number, e-mail address, or other personal identifying information in your protest, be advised that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we are able to do so.

The BLM Director will make every attempt to promptly render a decision on each protest. Decisions will be made in writing and sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director regarding protests shall be the final decision of the Department of the Interior.

Upon completion of the 60-day Governor's consistency review and resolution of any resource management plan protest, the BLM will issue an Approved RMP Amendment. Approvals are withheld on any portion of the Amendment under protest until final action has been completed on such protest. The Approved RMP Amendment will be available to all parties at this website: <http://www.blm.gov/co/st/en/fo/ufo.html>.

**SIGNATURE OF RECOMMENDING OFFICIAL:**

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Barbara Sharrow  
Field Manager  
Uncompahgre Field Office

Date

**DECISION**

It is my decision to amend certain Off-Highway Vehicle area designations in the Uncompahgre Basin Resource Management Plan as described above.

**SIGNATURE OF AUTHORIZED OFFICIAL:**

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Sally Wisely  
State Director

Date

[Code of Federal Regulations]  
[Title 43, Volume 2]  
[Revised as of October 1, 2002]  
From the U.S. Government Printing Office via  
GPO Access [CITE: 43CFR1610.5-2]

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TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE

INTERIOR PART 1600--PLANNING, PROGRAMMING, BUDGETING--

-Table of Contents Subpart 1610--Resource Management

Planning

Sec. 1610.5-2 Protest procedures.

(a) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record during the planning process.

(1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.

(2) The protest shall contain:

- (i) The name, mailing address, telephone number and interest of the person filing the protest;
- (ii) A statement of the issue or issues being protested;
- (iii) A statement of the part or parts of the plan or amendment being protested;
- (iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

(v) A concise statement explaining why the State Director's decision is believed to be wrong.

(3) The Director shall promptly render a decision on the protest. The decision shall be in writing and shall set forth the reasons for the decision. The decision shall

be sent to the protesting party by certified mail, return receipt requested.

(b) The decision of the Director shall be the final decision of the Department of the Interior.



<p style="text-align: center;">Resource Management Plan Protest Critical Item Checklist</p> <p style="text-align: center;">The following items must be included to constitute a valid protest whether using this optional format, or a narrative letter. (43 CFR 1610.5-2)</p> <p>BLM's practice is to make comments, including names and home addresses of respondents, available for public review. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we are able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations and businesses, are available for public inspection in their entirety.</p>
Resource Management Plan (RMP) or Amendment (RMPA) being protested:
Name: Address: Phone Number: (      )
Your interest in filing this protest (how will you be adversely affected by the approval or amendment of this plan?):
Issue or issues being protested:
Statement of the part or parts of the plan being protested:  Chapter: Section: Page: (or) Map:
Attach copies of all documents addressing the issue(s) that were submitted during the planning process by the protesting party, <b>OR</b> <u>an indication of the date the issue(s) were discussed for the record.</u> Date(s):
A concise statement explaining why the State Director's decisions is believed to be wrong: